

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>AIR FORCE OFFICER</b> , on behalf of herself and all others similarly situated,	)	
Plaintiff,	)	Case No. 5:22-cv-00009-TES
v.	)	
<b>LLOYD J. AUSTIN, III</b> , in his official capacity as Secretary of Defense;	)	
<b>FRANK KENDALL, III</b> , in his official capacity as Secretary of the Air Force; and	)	
<b>ROBERT I. MILLER</b> , in his official capacity as Surgeon General of the Air Force,	)	
Defendants.	)	

**PLAINTIFF'S MOTION TO CERTIFY CLASS AND APPOINT CLASS COUNSEL**

Pursuant to Federal Rule Civil Procedure 23, Plaintiff Air Force Officer, on behalf of herself and all others similarly situated, hereby moves to certify a class, under Rule 23(b)(2), consisting of all members of the United States Air Force who (a) are subject to a mandate of the Department of Defense or Air Force to receive a COVID-19 vaccine, (b) submitted a request for religious accommodation regarding such mandate based on a sincerely held religious belief, and (c) have received or will receive a final denial of such request from the Department of Defense or Air Force.

The class is so numerous that joinder of all members is impracticable, there are questions of law or fact common to the class, Plaintiff's claims are typical of the claims of the class, and Plaintiff will fairly and adequately protect the interest of the class. Fed. R. Civ. P. 23(a)(1)-(4). In its February 15, 2022 Order [Doc. 51, p. 25] granting Plaintiff's Motion for Preliminary Injunction [Doc. 2], the Court "easily" found that "the Air Force's process to protect religious

rights is both illusory and insincere.” Defendants have therefore acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole. Fed. R. Civ. P. 23(b)(2).

In addition to certifying the class, Plaintiff requests that the Court enter an order appointing Plaintiff’s counsel as class counsel under Rule 23(g).

Plaintiff further relies on and incorporates the Memorandum of Law in Support of this motion and declarations thereto, filed simultaneously herewith.

WHEREFORE, Plaintiff requests that the Court enter an order (1) certifying a class consisting of all members of the United States Air Force who (a) are subject to a mandate of the Department of Defense or Air Force to receive a COVID-19 vaccine, (b) submitted a request for religious accommodation regarding such mandate based on a sincerely held religious belief, and (c) have received or will receive a final denial of such request from the Department of Defense or Air Force; and (2) appointing Plaintiff’s counsel as class counsel.

Dated: February 28, 2022

Respectfully submitted,

/s/ Adam S. Hochschild

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